

09-17-07

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/943,685

Filing Date: August 30, 2001

Applicant: Loughrin et al.

Group Art Unit: 3679

Examiner: Aaron M. Dunwoody

Title: DRIVE SHAFT COUPLING

Attorney Docket: 6039-000293

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**SECOND REQUEST FOR REFUND**

Sir:

It has come to our attention that the following charges were made against our Deposit Account 08-0750 for the above-identified application.

Date Posted	PTO Control No.	Description	Fee Code	Charges
08/05/05	75	09943685	1403	\$1,000
08/05/05	76	09943685	1403	\$1,000

The above-identified charges to our deposit account were in connection with a Reply Brief and Request for Oral Hearing filed with the U.S. Patent and Trademark Office on August 2, 2005. A copy of the Transmittal Form, Fee Transmittal, Reply Brief and Request for Oral Hearing are attached as Exhibit A. As you can see from the Fee Transmittal, Applicants chose as a "method of payment" to include a check for the

Adjustment date: 09/25/2007 HDESTA1  
08/05/2005 EFLORES 00000056 080750 09943685  
01 FC:1403 1000.00 CR

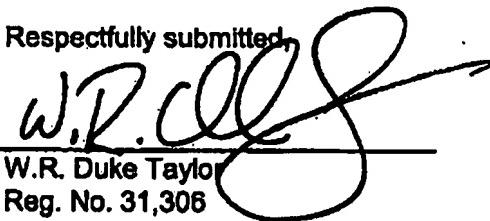
Adjustment date: 09/25/2007 HDESTA1  
08/05/2005 EFLORES 00000057 080750 09943685  
01 FC:1403 1000.00 CR

Request for Oral Hearing fee. Attached as Exhibit B is a copy of the cancelled check confirming the U.S. Patent and Trademark Office receipt of the fees necessary for the Request for Oral Hearing. Attached as Exhibit C is a copy of the first Request for Refund filed on July 5, 2006 to which we have received no acknowledgement regarding our request.

Therefore, it appears that the above charges (for two (2) Request for Oral Hearing) against our Deposit Account were in error. Accordingly, please credit our Deposit Account No. 08-0750 in the amount of \$2,000.00.

Respectfully submitted,

By:

  
W.R. Duke Taylor  
Reg. No. 31,306

Dated: September 17, 2007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 841-1600

WRDT/kj



# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1,000)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
persons are required to respond to a collection of information \* \* \* It displays a valid OMB control number.

*Complete if Known*

Application Number	09/943,685
Filing Date	August 30, 2001
First Named Inventor	Terry Loughlin et al.
Examiner Name	Aaron M. Durwood
Art Unit	3679
Attorney Docket No.	6039-000253

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number 08-0750

Deposit Account Name Hansen, Olday & Plaza, PLC

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of less under 37 CFR 1.16 and 1.17  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity			
Fee Code (S)	Fee Code (S)	Fee Description		
1001 750	2001 355	Utility Filing Fee		
1002 350	2002 175	Design Filing Fee		
1003 550	2003 275	Plant Filing Fee		
1004 750	2004 355	Reissue Filing Fee		
1006 150	2005 90	Provisional Filing Fee		
<b>SUBTOTAL (1)</b>		(\$ 0)		

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims below below	Fee from below	Fee Paid
Independent Claims	-20 = -0	x 0 = 0	= 0
Multiple Dependent	-3 = -0	x 0 = 0	= 0

Large Entity	Small Entity			
Fee Code (S)	Fee Code (S)	Fee Description		
1002 50	2002 25	Claims in excess of 20		
1201 200	2201 100	Independent claims in excess of 3		
1203 300	2203 150	Multiple dependent claim, if not paid = Reissues independent claims over original patent		
1204 200	2204 100	= Reissues claims in excess of 20 and over original patent		
1205 50	2205 25			
<b>SUBTOTAL (2)</b>		(\$ 0)		

\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity			
Fee Code (S)	Fee Code (S)	Fee Description		
1051 150	2051 65	Surcharge - late filing fee or cash		
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		
1053 150	2053 150	Non-English specification		
1054 8,525	2054 2,525	For filing a request for ex parte reexamination		
1055 827	2055 227	Requesting publication of SIR prior to Examiner action		
1056 1,840*	2056 1,840*	Requesting publication of SIR after Examiner action		
1251 120	2251 60	Extension for reply within first month		
1252 450	2252 225	Extension for reply within second month		
1253 1,020	2253 510	Extension for reply within third month		
1254 1,530	2254 725	Extension for reply within fourth month		
1255 2,160	2255 1,080	Extension for reply within fifth month		
1401 500	2401 250	Notice of Appeal		
1402 500	2402 250	Filing a brief in support of an appeal		
1403 1,000	2403 500	Request for oral hearing	1,000	
1451 1,510	2451 1,510	Petition to Institute a public use proceeding		
1452 620	2452 250	Petition to revive - unavoidable		
1453 1,800	2453 750	Petition to revive - unintentional		
1501 1400	2501 700	Utility issue fee (or reissue)		
1502 600	2502 400	Design issue fee		
1503 1,100	2503 550	Plant issue fee		
1405 150	2405 150	Petition to the Commissioner		
1607 50	2607 50	Processing fee under 37 CFR 1.17 (q)		
1608 150	2608 150	Submission of Information Disclosure Stmt		
1621 40	2621 40	Recording each patent assignment per property (times number of properties)		
1623 700	2623 350	Filing a submission after final rejection (37 CFR § 1.129(x))		
1810 750	2810 350	For each additional invention to be examined (37 CFR § 1.129(j))		
1801 700	2801 350	Request for Continued Examination (RCE)		
1802 1,000	1802 400	Request for expedited examination of a design application		

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 1,000)

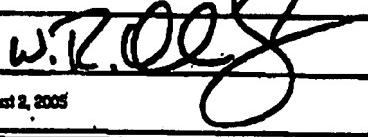
*Complete if applicable*

Name (Printed)	W.J. Doss Jr.	Registration No. ( Attorney/Agent)	31,306	Telephone	(248) 641-1600
Signature				Date	August 2, 2001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

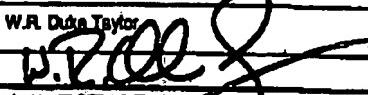
<b>TRANSMITTAL FORM</b>		Application Number 09/943,685
(to be used for all correspondence after initial filing)		Filing Date August 30, 2001
		First Named Inventor Terry Loughlin et al.
		Art Unit 3879
		Examiner Name Aaron M. Dunwoody
Total Number of Pages in This Submission 1		Attorney Docket Number 6039-000293

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> Alter Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <small>(please identify below)</small> <b>Amended Appeal Brief</b>
Remarks		The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name Harriss, Dickey & Pierce, P.L.C.	Attorney Name W.R. Duke Taylor	Reg. No. 31,306	
Signature 			
Date August 2, 2005			

#### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name W.R. Duke Taylor	Express Mail Label No. EV 406 Q76 184 US (8/2/2005)
Signature 	Date August 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 406 Q76 184 US

# **EXHIBIT A**



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 09/943,685

Filing Date: August 30, 2001

Applicants: Terry Loughrin et al.

Group Art Unit: 3679

Examiner: Aaron M. Dunwoody

Title: Drive Shaft Coupling

Attorney Docket: 6039-000293

---

Mail Stop Reply Brief – Patents  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

REPLY BRIEF

Dear Sir:

In response to the Examiner's Answer dated June 2, 2005, please consider the following.

Applicants include three (3) copies of an Amended Brief. The Amended Brief includes paragraphs, pages and line numbers in the Summary of the Invention. Also, typographical errors have been corrected in this section. Further, the Amended Brief includes the Claim Appendix which corrects the claims as indicated by the Examiner.

## ARGUMENT

In the Examiner's brief, in ¶10, the Examiner states that the Walters et al. reference illustrates "the joint component is both rotatable through a specified range of rotation and is fixed from axial movement relative to one of the set shaft". Nowhere does the Walters et al. reference illustrate such a feature. Walters et al., at best, in Figure 1, and in column 2, lines 47-49, briefly mentions a telescoping shaft. Nowhere does Walters et al., in the drawings or specification, disclose or suggest the joint component is both rotatable through a specified range of free motion rotation without torque transmission and is fixed from axial movement relative to one of the second shafts. There is no support for these features in the Walters et al. reference and for the Examiner to draw such a conclusion is pure conjecture.

The Ferguson reference relied on by Examiner has an elastic damper which always provides a reactive force to return and maintain the coupling in a first position. Free movement is not available in the Ferguson device. The elastomeric damper always interferes with the movement of the Ferguson coupling. Thus, the Ferguson device would not enable free motion, which is motion without any impediment or contact by any type of structure during rotation. Accordingly, the Examiner's combination fails to disclose or suggest Applicants' invention.

## CONCLUSION

Applicants respectfully submit that the Examiner has failed to show the present invention would be obvious over Walters et al. in view of Ferguson. Further, the combination fails to illustrate a joint component rotatable through a specific range of

motion and is axially fixed with respect to one of the shafts. Additionally, the combination fails to show free motion as claimed by Applicants.

Accordingly, reversal of the final rejection of Claims 1-11 and allowance of these claims is respectfully requested.

Respectfully submitted,  
HARNESS, DICKEY & PIERCE, P.L.C.

By:

  
W.R. Duke Taylor  
Reg. No. 31306  
Attorneys for Applicants

P.O. Box 828  
Bloomfield Hills, Michigan 48303  
Phone: (248) 641-1600

Date: August 2, 2005



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 09/943,685

Filing Date: August 30, 2001

Applicants: Terry Loughrin et al.

Group Art Unit: 3679

Examiner: Aaron M. Dunwoody

Title: Drive Shaft Coupling

Attorney Docket: 6039-000293

---

Mail Stop Reply Brief - Patents  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

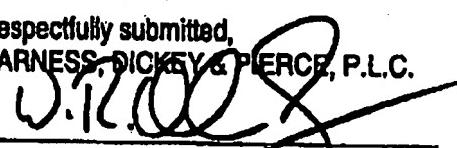
REQUEST FOR ORAL HEARING

Applicants respectfully request an oral hearing. A check in the amount of \$1,000.00 is included to cover the request for oral hearing. An additional copy of this Request is included.

Should the Examiner have any questions or comments, please do not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,  
HARNESS, DICKY & PIERCE, P.L.C.

By: \_\_\_\_\_

  
W.R. Duke Taylor  
Reg. No. 31306  
Attorneys for Applicants

P.O. Box 828  
Bloomfield Hills, Michigan 48303  
Phone: (248) 641-1600

Date: August 2, 2005

08/05/2005 EFLORES 00000049 09943685

01 FC:1403

1000.00 IP

P25583.A10

Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

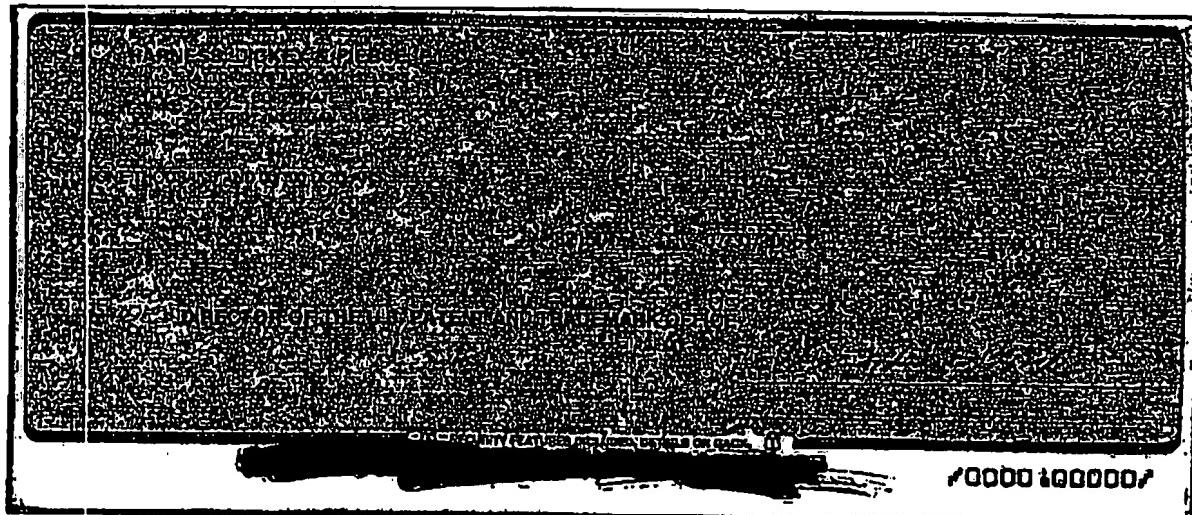
Respectfully submitted,  
Siew Kok HUI

*Siew Kok Hui*  
Bruce H. Bernstein      William E. Lyddane  
Reg. No. 29,027      Reg. No. 41,568

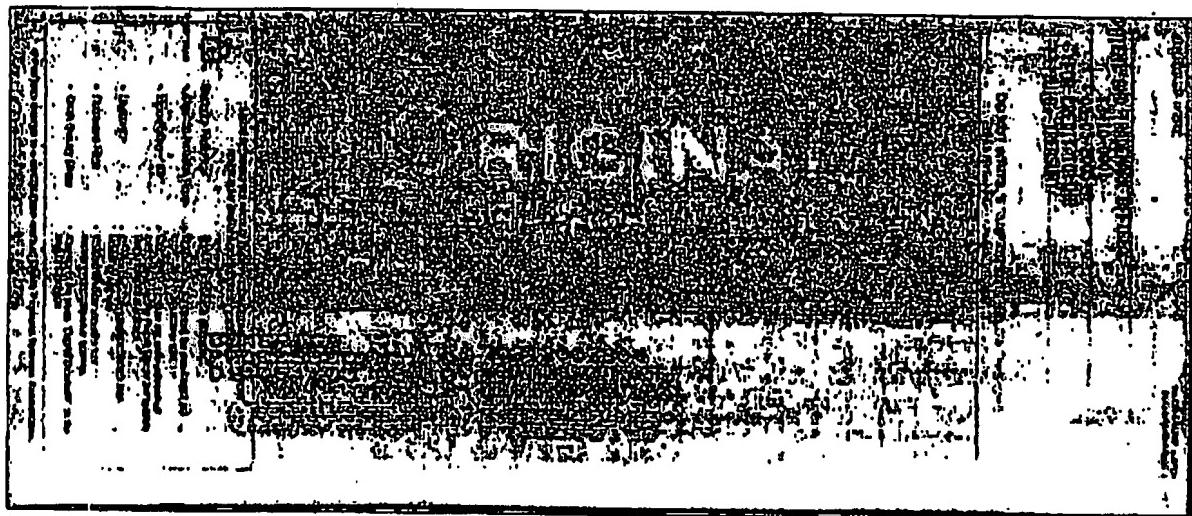
September 19, 2007  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

# **EXHIBIT B**

5/5/2006 9:04:48 AM



000010000000



Location	Acct #	Check #	Amount	Issue Date	Paid Date	Sequence
CD	[REDACTED]	62150	\$1,000.00	8/10/2005		987403560
Customer Data	Bank #	GL Category	CD VolID/CIMS Key	CD Label		
	7200009		05090609355501	V05090609355510		

Process: Control

# **EXHIBIT C**

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number <b>09/943,685</b> Filing Date <b>August 30, 2001</b> First Named Inventor <b>Loughrin et al.</b> Art Unit <b>3879</b> Examiner Name <b>Aaron M. Dunwoody</b>  Total Number of Pages in This Submission <b>1</b> Attorney Docket Number <b>6039-000293</b>
---	--

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Request for Refund (with attachment of Exhibit A and B)</b>
		<b>Remarks</b> The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name <b>W.B. Duke Taylor</b>	Reg. No. <b>31,308</b>
Signature			
Date	<b>July 5, 2008</b>		

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	<b>W.R. Duke Taylor</b>	Express Mail Label No.	<b>EV 555 008 403 US (7/5/2008)</b>
Signature			
Date	<b>July 5, 2008</b>		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. This will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.